

FILED
 UNITED STATES DISTRICT COURT
 ALBUQUERQUE, NEW MEXICO

JUN 24 2020

MITCHELL R. ELFERS
 CLERK

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSHUA GUTIERREZ,

Defendant.

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Mag. No.: 20-1001-SCY

PROTECTIVE ORDER

This matter having come before the Court on the United States' Unopposed Motion for a Protective Order (Doc. 17) and the Court having considered the matter, finds this motion is well taken and should be granted.

IT IS THEREFORE ORDERED that the victim medical records, to include the Office of the Medical Investigator (OMI) reports, and the OMI photographs of the victim's body and injuries (hereafter referred to as "confidential material") disclosed in this case are subject to the following restrictions:

1. Confidential material received by the defendant (through that defendant's attorney) from the United States shall not be shown or otherwise provided or disclosed to individuals other than:

- a. Defendant;
- b. Defendant's attorney of record;
- c. employees of such attorney to whom it is reasonably necessary that the material be shown for the purposes of this action;
- d. witnesses and their counsel and potential witnesses and their counsel; and,

- e. experts or consultants who are assisting in this action.

Individuals to whom confidential material is shown or otherwise provided must be provided with a copy of this protective order, and agree to be bound by its terms prior to being shown or otherwise provided with any material.

2. Confidential material received by Defendant shall be used solely for the purposes of this action. Nothing in this protective order limits the defendant or the United States from disclosing material in this or related judicial proceedings, including in motions, at hearings, at trial, or in an appeal. This protective order requires, however, that the party redact any personal identifying information, the names of the minor children, and other private information in accordance with Fed. R. Crim. P. 49.1.

3. Counsel for defendant and/or anyone properly assisting counsel shall not give any copies of the OMI photographs directly to defendant. The defendant only may review these materials in the presence of counsel and/or anyone properly assisting counsel.

So Ordered this 24th day of June, 2020.


United States Magistrate Judge

Submitted by:
Allison C. Jaros, Assistant U.S. Attorney

Approved by:
Sylvia A. Baiz, Counsel for Defendant